

REMARKS

The Examiner correctly pointed out that claims 2 and 5 were of identical language and scope based on their dependency from claim 1. Therefore, the applicant has cancelled claim 5. Claims 6 and 8, which previously depended from claim 5, have been amended to depend from claim 1. In view of this amendment the §112 rejection is believed to be moot.

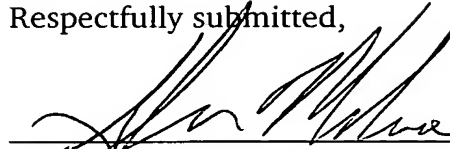
Turning to the substantive rejections, the applicant believes that these rejections are moot in view of the attached §131 Declaration from the inventor Mr. Pritts. Briefly, the DeDominicis et al. publication is not prior art because the applicant invented the claimed invention before the effective filing date (August 5, 2003) of the DeDominicis et al. patent application. Mr. Pritts conceived the claimed invention in November of 2002, and diligently worked toward reducing it to practice. (Declaration, ¶¶ 4-7) Tablets according to the concepts of the present invention were made and tested by using them in an extractor at least as early as February 13, 2003. (Declaration, ¶ 6) Additional testing including use of the tablets in various extractors occurred in August of 2003. Additional testing continued until the production date. (Declaration, ¶ 6) Also, Mr. Pritts submitted his invention to Hoover's Patent Department, and a patent application was prepared concurrently with Mr. Pritts' testing and development, and the subject application was filed on November 13, 2003. The filing of this application constructively reduced Mr. Pritts' invention to practice. As a result, Mr. Pritts and the patent's Assignee, The Hoover Company, invented the claimed invention before the effective filing date of the '848 Publication. Therefore, the applicant respectfully requests reconsideration of the rejections and issuance of a Notice of Allowance.

Should the Examiner wish to discuss any of the foregoing in more detail, the undersigned attorney would welcome a telephone call.

No new claims have been added and therefore no additional fees are believed due at this time. Nonetheless, in the event that a fee required for the filing of this document is missing or insufficient, the undersigned attorney hereby authorizes the Commissioner to charge payment of any fees associated with this communication or

to credit any overpayment to Deposit Account No. 18-0987.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Shannon V. McCue', is written over a horizontal line.

Shannon V. McCue, Reg. No.42,859
Renner, Kenner, Greive, Bobak, Taylor & Weber
First National Tower - Fourth Floor
Akron, Ohio 44308-1456
Telephone: (330) 376-1242
Facsimile: (330) 376-9646
E-mail: svmccue@rennerkenner.com

Attorney for Applicant

Docket No. HOO2687